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C O N F I D E N T I A L SECTION 01 OF 02 HAVANA 000453

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SUBJECT: NBA VISIT TO CUBA

Classified By: COM MICHAEL E. PARMLY, FOR REASON 1.4 (B)

¶1. (U) A group of 80 members of the National Bar Association (NBA), an association of black lawyers, judges and legal para-professionals, recently spent a week in Cuba as part of a humanitarian visit. USINT had two events with representatives of this group: a sit-down dinner at the COM residence on Monday, June 2, shortly after their arrival, and a formal briefing at USINT on Friday, June 10, the day before their departure. The bookend timing gave us an opportunity to calibrate the evolving impressions of this highly impressionable group from the beginning of the visit to its end, as well as to influence perceptions through direct contact with American staff members (who also served as informal interpreters) and prominent members of Cuban civil society.

¶2. (U) The dinner at the COMR was preceded by a welcome cocktail that allowed the 70 or so NBA attendees to mingle with American staff and the dozen Cuban invitees selected from civil society, two of whom were lawyers. At that point, American staff reported, the group's experiences of Havana had been positive with respect to the city's appearance and the reception they had enjoyed from Cubans on the street. NBA members asked standard questions about the current political climate and what it was like to live in Cuba. One officer, however, described being &accosted8 about the U.S. embargo, which some NBA members faulted for the poor conditions at a hospital they had visited earlier that day. At least one other officer encouraged NBA members to suspend judgment until they could compare their preconceptions with reality at the end of the visit.

¶3. (U) During the dinner that followed, every table had at last one American staffer and a member of Cuban civil society. One table consisted entirely of legal professionals: both the American and Cuban participants were lawyers, along with the NBA guests. That officer reported a &fascinating dialogue between two legal worlds8 where he served as translator. When NBA members learned that Cuban judges were not bound by precedent and that each judge based decisions upon his or her direct reading of the law, one responded, &But that's so arbitrary!8 The civil society rep nodded in full agreement.

¶4. (U) Another officer reported that NBA members at his table were &shocked8 to hear that books were censored in Cuba, and were moved by the personal history of prominent Afro-Cuban dissident Vladimiro Roca. All said they were honored to be seated with him. They were also fascinated by the story of the young woman lawyer who had defended Roca at trial, and the personal difficulties she had experienced as a result.

¶5. (U) NBA reps at another table were astounded to learn that the Internet was not used for legal research in Cuba, and that there were only 10 computers for 600 law students at the University of Havana. In addition, they were told that

textbooks were old, tattered, and scribbled on, and that students had to study antiquated civil laws and codes (rather than cases) for five years versus the three it typically takes to complete law school in the U.S. Despite efforts at reform at the time of the revolution, students are still required to memorize a large number of laws, few of which are applicable to day-to-day situations. As a result, the Cuban legal system is effectively stuck in the past) cut off from the constant updating and fresh perspectives that a system based on evolving precedent would provide. NBA members were likewise surprised that despite being obliged to study all aspects of the legal system, Cuban law students are restricted to practicing those areas of the law in which they have performed) and tested) the best.

¶6. (U) NBA representatives were interested to hear about U.S. cultural influences on Cuba. Vladimiro Roca, an aficionado of American movies, related how his parents) both die-hard communists) nonetheless loved American music. They were also enthralled to hear about life as an Afro-Cuban, and were struck to learn that this major section of the Cuban population was essentially absent at the upper reaches of the Cuban government. Other aspects of Cuban law and society that surprised (and in some cases horrified) NBA members were the facts that pregnant teens over the age of 16 are supported by the government, that high school drop-outs are nevertheless given jobs at age 18, and that people found to have HIV/AIDS are placed in special hospitals until they show signs of improvement) an effective quarantine that could partially account for Cuba,s low HIV infection rate.

¶7. (U) For their part, Cuban guests were interested in the role of defense attorneys in the U.S. legal system, and were

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amazed to hear how quickly the defense attorney and the rights of the accused are invoked in relation to the time of the alleged crime. In the Cuban system the prosecutor first works to build the case) apparently for up to seven days following the arrest) before the defense attorney is permitted to meet with the client.

¶8. (U) Asked what types of cases and actions the Cuban government takes, one American staffer brought up a recent case in which the family of a seven-year-old boy was cited for &celebration of Fidel,s illness.⁸ It turns out the boy shares a birthday with Fidel, and when the family held a party in 2007 after Fidel,s took ill it was considered disrespectful and the family was cited. At least one NBA rep at the table refused to believe the staffer,s story, and others remarked how such an incident was at variance from what they had been told in their relatively positive briefings prior to arrival in Havana. The doubting NBA member eventually came around when told that such episodes are not unusual given the level of scrutiny and harassment refugee applicants typically are obliged to undergo.

¶9. (U) By the USINT briefing on June 10, the NBA members, questions were focused on what they had seen and observed during the week, particularly in regard to racial inequalities and the Cuban criminal justice and prison systems. Guests asked why the majority of the prison population was made up of people of color, and were surprised to learn that Cuba had a higher incarceration rate than the United States (1.9% versus 1.7%) despite a very low incidence of crime. Of the 80,000 inmates in Cuban jails, there are some 225 political prisoners) another revelation. The guests were also interested in Law 88 and the notion of &dangerousness,⁸ where people can be convicted for merely having the potential for anti-social behavior) such as for contact with USINT personnel. USINT,s Coast Guard representative fielded numerous questions about migration numbers and the racial profile of those picked up at sea, who are almost universally white. The group was also surprised to hear about the lack of sociological and demographic data in Cuba, and about discrimination in schools. They were told

that many Afro-Cuban students are tracked into technical schools at an early age and away from a university path.

¶10. (C) The highlight of the briefing, however, was a lengthy presentation by Orestes Fonseca, a Cuban Muslim and university professor who is a regular user of USINT's Internet Research Centers. Far from being a lackey of the U.S. government, Fonseca noted his opposition to the economic embargo, but also blasted the GOC for limiting access to information.

¶11. (C) COMMENT: The interaction among NBA representatives, American staffers, and members of Cuban civil society changed minds and shook long-held preconceptions on all sides. NBA reps learned that the rosy briefings they had received about the Cuban legal system prior to departure were shockingly wrong and misleading in many respects. American staffers were genuinely surprised by the amount of misinformation that this highly educated and articulate group had absorbed unquestioningly about Cuban society, especially in regard to race, as well as by their knee-jerk willingness to blame the U.S. and the economic embargo for all of Cuba's ills. For their part, Cuban attendees were impressed by the fairness and balance of the U.S. legal system, where the rights of the accused are emphasized in order to counter the natural advantages accruing to government. While the level and tone of conversation throughout were positive and free-flowing, there was a sense that all parties were troubled by comparisons between the Cuban and U.S. systems. One American officer stated that &perceptions were being changed by all that was heard and experienced on Monday night,⁸ while another labeled it &really one of the most outstanding events I ever participated in. Minds were changed.⁸ END

COMMENT
PARMLY